



Order Filed on August 26, 2020
by Clerk
U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

**Caption in Compliance with
D.N.J.LBR 9004-1**

STEWART LEGAL GROUP, P.L.

Formed in the State of Florida

Gavin N. Stewart, Esq.

Of Counsel to Bonial & Associates, P.C.

401 East Jackson Street, Suite 2340

Tampa, FL 33602

Tel: 813-371-1231/Fax: 813-371-1232

E-mail: gavin@stewartlegalgroup.com

Attorney for Creditor

In re:

Joseph Tanner,

Debtor.

Chapter 13

Case No. 19-11409-VFP

Hearing Date: August 20, 2020

Judge Vincent F. Papalia

CONSENT ORDER RESOLVING MOTION TO VACATE AUTOMATIC STAY

The relief set forth on the following pages is hereby **ORDERED**.

DATED: August 26, 2020



Honorable Vincent F. Papalia
United States Bankruptcy Judge

Debtor: Joseph Tanner
Case No.: 19-11409-VFP
Caption of Order: **CONSENT ORDER RESOLVING MOTION TO VACATE
AUTOMATIC STAY**

THIS MATTER having been opened to the Court upon the Motion to Vacate Automatic Stay (“Motion”) filed by Specialized Loan Servicing LLC as servicing agent for U.S. Bank National Association, as Trustee for the Banc of America Funding 2007-6 (“Movant”), whereas, as of August 19, 2020, the post-petition arrearage was \$6,075.08 and whereas the Debtor and Movant seek to resolve the Motion, it is hereby **ORDERED**:

1. The automatic stay provided under 11 U.S.C. §362(a) shall remain in effect as to Creditor’s interest in the following property: **222-228 Monroe Avenue, Plainfield, New Jersey, 07060** (“Property”) provided that the Debtor complies with the following:

- a. The Debtor shall cure the total post-petition arrearage by tendering the full amount of the arrearage in the amount of **\$6,075.08** directly to Creditor on or before August 31, 2020;
- b. The Debtor shall resume making the regular contractual monthly payments directly to Creditor as each becomes due, beginning with the September 1, 2020 payment and continuing thereon per the terms of the underlying loan; and
- c. Remain current on all post-petition payment obligations, as well as all payments being paid through the Chapter 13 Plan.

2. The Debtor will be in default under the Consent Order in the event that the Debtor fail to comply with the payment terms and conditions set forth in above paragraphs and/or if the Debtor fail to make any payment due to Movant under the Chapter 13 Plan.

3. If the Debtor fail to cure the default within thirty (30) days from the date of default, Creditor may submit a Certificate of Default to the Court on fourteen (14) days’ notice to counsel

for the Debtor and the Chapter 13 Trustee for an order lifting the automatic stay imposed under 11 U.S.C. §362(a) permitting Creditor to exercise any rights under the loan documents with respect to the Property.

4. Creditor is awarded reimbursement of attorney fees and costs in the amount of \$350.00 and \$181.00, respectfully to be paid through the modified Chapter 13 Plan.

STIPULATED AND AGREED:

/s/ Donald C. Goins
Donald C. Goins, Esq.
Goins & Goins, L.L.C.
323 Washington Avenue
Elizabeth, NJ 07202
Counsel to Debtor

/s/ Gavin N. Stewart
Gavin N. Stewart, Esq.
Stewart Legal Group, P.L.
401 East Jackson Street, Suite 2340
Tampa, FL 33602
Counsel to Creditor

Certificate of Notice Page 4 of 4

United States Bankruptcy Court
District of New Jersey

In re:
Joseph Tanner
Debtor

Case No. 19-11409-VFP
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-2

User: admin
Form ID: pdf903

Page 1 of 1
Total Noticed: 1

Date Rcvd: Aug 26, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Aug 28, 2020.

db Joseph Tanner, 222 Monroe Ave, #228, Plainfield, NJ 07063-1345

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE. TOTAL: 0

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Aug 28, 2020

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on August 26, 2020 at the address(es) listed below:

Denise E. Carlon on behalf of Creditor Banc of America Funding Corporation 2007-6, U.S. Bank National Association, as Trustee dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com
Donald C. Goins on behalf of Debtor Joseph Tanner dngoins1@gmail.com, G25787@notify.cincompass.com
Gavin Stewart on behalf of Creditor Specialized Loan Servicing LLC bk@stewartlegalgroup.com
Marie-Ann Greenberg magecf@magtrustee.com
Rebecca Ann Solarz on behalf of Creditor Banc of America Funding Corporation 2007-6, U.S. Bank National Association, as Trustee rsolarz@kmlawgroup.com
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 6